



HARMONIZED SYSTEM
COMMITTEE

-
26th Session
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NC0339E1

O. Eng.

Brussels, 10 November 2000.

DRAFT RECOMMENDATION OF THE CUSTOMS CO-OPERATION COUNCIL
ON THE INSERTION IN NATIONAL STATISTICAL NOMENCLATURES
OF SUBHEADINGS TO FACILITATE THE MONITORING AND CONTROL OF PRODUCTS
SPECIFIED IN THE DRAFT PROTOCOL CONCERNING FIREARMS COVERED
BY THE UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME

(Item IV.1 on Agenda)

Reference documents :

NC0138E2 (HSC/24)

NC0149E1 (HSC/24)

NC0160E2, Annex D/2 (HSC/24 – Report)

NC0180E1 (HSC/24)

NC0250E2, Annex D/2 (HSC/25 – Report)

NC0270E1 (HSC/26)

I. BACKGROUND

1. After the publication of Doc. NC0270E1, the Secretariat received, on 1 November 2000, a Note from the Canadian Administration, indicating some recent developments in the negotiations on the Firearms Protocol, in particular with respect to the definition of the term “firearms”, though this definition could be revisited.
2. According to the above-referenced note, the unofficial text to describe the term “firearms” is as follows (Article 2 (b) of the Firearms Convention) :

“(b) Firearms :

- (i) any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899;”

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II. SECRETARIAT COMMENTS

3. The Secretariat first of all welcomes the information provided by the Canadian Administration, which it considers essential for further discussions.
4. The Secretariat is, however, somewhat concerned with respect to the clause concerning “antique firearms”. That clause stipulates that such weapons are to be defined in accordance with national law, but would not cover those manufactured after 1899.
5. Antique weapons (and collector pieces) are excluded from Chapter 93 and classifiable in heading 97.05 or 97.06 (Note 1 (f) to Chapter 93). Antique weapons are, for the purposes of the Harmonized System, those having an age exceeding 100 years (i.e., weapons manufactured in or before 1900, 1901 in one year’s time, 1902 in two years’ time, etc.). Consequently, all antique weapons under the Firearms Protocol will be classified in heading 97.06, whatever national law may be introduced for the purposes of the Firearms Protocol. Furthermore, there may be weapons classifiable in heading 97.06, which are, for the purposes of the Firearms Protocol, not “antique weapons” (whether or not on the basis of national legislation).
6. That being the case, the Secretariat considers that it might be appropriate to insert references to firearms in heading 97.06 as well in the draft Recommendation (by referring to e.g., “portable barrelled weapons”). The same applies, *mutatis mutandis*, to heading 97.05 with respect to the collector items.
7. Finally, since the draft Recommendation will be discussed by the Council in June 2001 at the earliest, the Secretariat considers it appropriate that, if the Committee agrees with the draft Recommendation, the final version should take account of the HS 2002 amendments with respect to heading 93.01 and subheading 9305.90, as follows (amendments in bold) :

1996	2002
<p><u>Subheading 9301.00</u></p> <p>--- Rifles**:</p> <p>---- Single-shot bolt action</p> <p>---- Single-shot break action</p> <p>---- Other bolt action</p> <p>---- Semi-automatic</p> <p>---- Fully automatic</p> <p>---- Other</p> <p>--- Machine guns :</p> <p>---- Light</p> <p>---- Medium</p> <p>---- Heavy</p> <p>--- Sub-machine guns :</p> <p>---- Fully automatic pistols</p> <p>---- Other</p> <p>--- Fully automatic shotguns</p>	<p><u>Subheading 9301.90</u></p> <p>--- Rifles**:</p> <p>---- Single-shot bolt action</p> <p>---- Single-shot break action</p> <p>---- Other bolt action</p> <p>---- Semi-automatic</p> <p>---- Fully automatic</p> <p>---- Other</p> <p>--- Machine guns :</p> <p>---- Light</p> <p>---- Medium</p> <p>---- Heavy</p> <p>--- Sub-machine guns :</p> <p>---- Fully automatic pistols</p> <p>---- Other</p> <p>--- Fully automatic shotguns</p>

<p><u>Subheading 9305.90</u></p> <p>- - - [Of rifles, machine guns, sub-machine guns or shotguns] [Of machine guns, sub-machine guns, rifles or shotguns] of heading 93.01 :</p> <p>- - - - Firing mechanisms***</p> <p>- - - - Barrels, barrel extensions, sights (front & back sights) and stocks</p> <p>- - - - Pistons, locking lugs and gas buffers</p> <p>- - - - Magazines</p> <p>- - - - Silencers (sound moderators) and flash eliminators</p> <p>- - - - Receivers, breeches, bolts (gunlocks) and bolt carriers</p> <p>- - - - Slings and tripods/bipods</p> <p>- - - - Other</p> <p>[- - - [Parts and accessories of other articles of heading 93.01, 93.03 or 93.04] [Other]]</p>	<p><u>Subheading 9305.91</u></p> <p>- - - [Of rifles, machine guns, sub-machine guns or shotguns] [Of machine guns, sub-machine guns, rifles or shotguns] :</p> <p>- - - - Firing mechanisms***</p> <p>- - - - Barrels, barrel extensions, sights (front & back sights) and stocks</p> <p>- - - - Pistons, locking lugs and gas buffers</p> <p>- - - - Magazines</p> <p>- - - - Silencers (sound moderators) and flash eliminators</p> <p>- - - - Receivers, breeches, bolts (gunlocks) and bolt carriers</p> <p>- - - - Slings and tripods/bipods</p> <p>- - - - Other</p> <p>[- - - [Parts and accessories of other articles of heading 93.01] [Other]]</p> <p><u>Subheading 9305.99</u></p> <p>[- - - [Parts and accessories of other articles of heading 93.03 or 93.04] [Other]]</p>
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III. CONCLUSION

8. The Committee is invited to take into account the information provided by the Canadian Administration and the comments of the Secretariat set out in paragraphs 3 to 7 above, when examining agenda item IV.1.
